

220

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision:05.05.2022

1. CRM-M-12394-2021 (O&M)

Yodhvir Singh @ Yodha

.. Petitioner

Vs.

State of Punjab

..Respondent

2. CRM-M-18509-2021

Govinder Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

3. CRM-M-51437-2021

Rajbir Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

AND

4. CRM-M-2769-2022

Amandeep Singh Deol.

...Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Gopal Singh Nahel, Advocate
for the petitioner in CRM-M-12394-2021 and
CRM-M-2769-2022.

Ms. Puneet Kaur Sekhon, Advocate
for the petitioner in CRM-M-18509-2021.

Mr. Vikas Gupta, Advocate for
the petitioner in CRM-M-51437-2021.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioners have filed these separate petitions for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.7 dated 16.01.2021 registered under Sections 364-A and 34 IPC (Sections 465, 467, 468, 471 and 120-B IPC and Section 25/54/59 Arms Act added later on) at Police Station Phase 1, District SAS Nagar, Mohali. The petitioners

are in custody since their arrest in January, 2021.

The present FIR was registered on the statement of Sanam Garg, who alleged that on 15.01.2021 at about 4:00 p.m., he and his friend Ujjwal Sood were present at his shop, then two persons in police uniform and one person in civil dress with face masks, entered his shop and displayed him their I-card and stated that they had information that he was indulging in betting. They claimed to be officers of STF and asked to accompany them and made them sit in the scorpio car, in which already two persons were sitting. They told him on the way that an online FIR was registered against him and asked to arrange Rs.5 lacs, in case the complainant wants anticipatory bail. Upon which, he called his mother, namely, Sangeeta and after narrating the entire story, asked her to arrange money. Later, they asked him to deliver the money at Mohail Court Complex, and when his brother Yogesh along with his friends brought the money, they asked his friend Ujjwal Sood to go and get the money, but when Ujjwal Sood went to get the money, they on seeing the friends of his brother, tried to accelerate the car. The complainant immediately jumped from the car and the assailants fled away from the spot in their car. On these broad allegations, the present FIR was lodged.

Learned counsel for the petitioners have argued that the version of the complainant does not seem to be probable on the face of it, as allegedly the money was brought at the desired place by the brother of the complainant, then there was no reason for the accused to escape, as the complainant was with them in the vehicle. Learned counsel have further argued that the case of the prosecution is not supported with any convincing evidence such as the MLR of the injured/complainant or any CCTV footage,

as the complainant was taken from his shop situated in the market. The attention of the Court is further drawn to the complainant's supplementary statement dated 23.01.2021 (Annexure P-2) to contend that except for the second statement of the complainant, whereby he implicated accused Amandeep Singh Deol, there is no evidence with the prosecution to connect the accused with the crime. According to them, subsequently, on his statement, other accused persons were implicated in this case. It has been pointed out that no recovery was effected from accused Yodhvir Singh @ Yodha and Govinder Singh, whereas separate weapons were recovered from Rajbir Singh and Amandeep Singh Deol. They have prayed for bail, as investigation is complete.

Learned State counsel assisted by ASI Swaranjit Singh, while opposing the prayer has argued that the offences are serious, but it is not disputed by him that during interrogation, no police uniform was recovered from accused Rajbir Singh, who allegedly entered into the shop of complainant in police uniform. However, according to learned State counsel, two weapons were recovered separately from Rajbir Singh and Amandeep Singh Deol along with some cartridges, and he further submitted that accused Govinder Singh is related to co-accused Dominic Sahota and weapon recovered from said accused is owned by the petitioner (Govinder Singh). He on instructions further states that no recovery was effected from petitioners Govinder Singh and Yodhvir Singh @ Yodha, and the final report stands filed before the Court on 23.04.2021, but the charges are yet to be framed.

At this stage, learned counsel for the petitioners have argued that the weapon recovered from the co-accused is licensed weapon of

petitioner Govinder Singh.

After hearing the learned counsel for the parties, considering the above background and custody of the petitioners, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, as the final report was filed on 23.04.2021, but the charges are yet to be framed, therefore, further detention of the petitioners may not serve any useful purpose, who are presently confined in judicial custody after their arrest. Apart from it, the material witnesses are complainant and his relatives and at present there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail in the above case, subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

05.05.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No